

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Saad Moussa

v.

Case No. 10-cv-31-SM

New Hampshire State Prison


ORDER

After due consideration of the objection filed, I herewith approve the Report and Recommendation of Magistrate Judge Muirhead dated May 25, 2010, for the reasons set forth therein. Petitioner's objection has been fully considered, but the point he raises is without legal merit: a collateral consequence of the challenged conviction, such as the inability to possess a firearm, is insufficient to satisfy the "in custody" requirement for federal habeas relief. See Maleng v. Cook, 490 U.S. 488, 492 (1989). Plaintiff's Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus is hereby dismissed.

Additionally, finding that the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254; First Cir. LR 22.0.

SO ORDERED.

June 14, 2010


Steven J. McAuliffe
Chief Judge

cc: Saad Moussa, pro se